

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 131384

17

ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 EB-11 COME-00 CPR-02 CIAE-00

INR-10 NSAE-00 RSC-01 VO-03 SCA-01 EUR-25 /073 R

DRAFTED BY L/EB:SRBOND:LAS

APPROVED BY L/EB:PRTRIMBLE

/ARA - DGANTZ (SUBS)

L/T - EMCDOWELL (SUBS)

ARA-LA/APU - RFELDER (SUBS)

EB/IFD/OIA - MKENNEDY (SUBS)

COM/OTP/DND - RMKLEIN (SUBS)

----- 085660

R 192059Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY MONTEVIDEO

LIMITED OFFICIAL USE STATE 131384

E.O. 11652: N/A

TAGS: BGEN, CVIS, UY

SUBJ: GOU REQUEST FOR INFORMATION ON FCN

REF: MONTEVIDEO 1535

1. WE WOULD BE INTERESTED IN THE CONCLUSION OF AN FCN TREATY WITH URUGUAY. ALMOST ALL SUCH AGREEMENTS CONTAIN "TREATY-TRADER" AND "TREATY-INVESTOR" PROVISIONS. TWO COPIES EACH OF FCN WITH NICARAGUA (THE LATEST FCN WITH A LATIN COUNTRY) AND WEST GERMANY BEING POUCHED EMBASSY. RELEVANT PROVISION REGARDING TREATY-TRADERS AND INVESTORS IS ARTICLE 2 OF EACH TREATY.

2. FYI: THE TWO TREATIES ARE BASICALLY QUITE SIMILAR, EXCEPT FOR SOME PROVISIONS RELATING TO NAVIGATION. WE ARE SENDING THE GERMAN FCN SO THAT THE GOU WILL SEE THAT NICARAGUAN FCN IS NOT SOMETHING FORCED ON SMALL LATIN COUNTRY. (HOWEVER, ASIDE FROM THE NICARAGUAN FCN AND ONE WITH HONDURAS ENTERED INTO IN 1927, ALL OTHER FCNS

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 131384

WITH LATIN COUNTRIES DATE FROM MID 19TH CENTURY.)

3. WHILE A STANDARD FCN (SUCH AS THOSE BEING POUCHED) WITH URUGUAY WOULD BE DESIRABLE, THE TREATY IS QUITE BROAD AND CERTAIN PROVISIONS MAY CAUSE PROBLEMS FOR GOU (SUCH AS, IN NICARAGUAN AGREEMENT, ARTICLE V, RELATED

TO COMMERCIAL ARBITRATION; ARTICLE VII, DEALING WITH THE RIGHT TO MAKE INVESTMENTS, AND ARTICLE VI, WHICH SETS DOWN RULES ON EXPROPRIATIONS).

4. ANY FCN NEGOTIATED WITH URUGUAY NEED NOT BE A MIRROR IMAGE OF FCN'S POUCHED. HOWEVER, CERTAIN PROVISIONS, SUCH AS THOSE DEALING WITH NATIONAL TREATMENT OF ESTABLISHED INVESTMENTS AND EXPROPRIATION, ARE SUFFICIENTLY IMPORTANT THAT US WOULD BE UNWILLING TO CONCLUDE TREATY WITHOUT THEM, ALTHOUGH WE WOULD, OF COURSE, BE WILLING TO DISCUSS MUTUALLY ACCEPTABLE MODIFICATIONS OF TEXTS OF THOSE PROVISIONS. YOU MAY WISH TO POINT OUT TO THE GOU THAT THE U.S. IS INTERESTED IN CONCLUDING AN FCN WITH GOU AND THAT WE WOULD BE INTERESTED IN ANY SPECIFIC PROBLEMS THEY HAVE WITH FCN'S POUCHED. BASED ON THESE COMMENTS AND YOUR ASSESSMENT OF EXTENT OF GOU DESIRE FOR FCN AND WHAT THEY WOULD ULTIMATELY SETTLE FOR, THE DECISION CAN BE MADE AS TO WHETHER OR NOT SERIOUS NEGOTIATIONS SHOULD BE ENTERED INTO. IN THIS REGARD, THE U.S. SENATE RATIFIED AN FCN WITH URUGUAY IN 1949 BUT THE GOU NEVER COMPLETED RATIFICATION PROCEDURES. A 1960 ATTEMPT TO REVIVE THE 1949 TREATY ALSO MET WITH GOU INACTION. WE THUS WONDER WHAT PROMPTS GOU INTEREST AT THIS TIME, IN ADDITION TO VISA PROBLEMS. END FYI. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, CONSULAR LEGAL ASSISTANCE, TRIALS, COURTS, PENAL INSTITUTIONS, PRISON CONDITIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: WorrelSW
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE131384
Document Source: CORE
Document Unique ID: 00
Drafter: SRBOND:LAS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740161-0298
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740631/aaaabafo.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: MONTEVIDEO 1535
Review Action: RELEASED, APPROVED
Review Authority: WorrelSW
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by kelleyw0>; APPROVED <14 FEB 2003 by WorrelSW>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOU REQUEST FOR INFORMATION ON FCN
TAGS: BGEN, CVIS, UY, (HARCOS), (FLETCHER)
To: MONTEVIDEO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005